

Appl. No. 10/719,321
Docket No. AA551C
Arndt. dated January 7, 2008
Reply to Office Action mailed on September 7, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1-3 and 5-7 are pending in the present application.

Claims 1 and 2 have been amended for clarity and consistency.

It is believed these changes do not involve any introduction of new matter and place the application in better form for allowance or appeal. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Claim Objections

Claim 2 has been objected to because the term "absorbent articles" should be "sanitary napkins" and the phrase "kind of the" should be "kind of the sanitary napkins". Applicants have amended Claim 2 accordingly and submit that this rejection is now moot.

Rejection Under 35 USC §103(a) Over Kuske et al. in View of Lash et al. and Further in View of Brisebois et al.

Claims 1-3 and 5-7 have been rejected under 35 USC §103(a) as being unpatentable over Kuske et al. (US 6,318,555) in view of Lash et al. (US 5,897,542) and further in view of Brisebois et al. (US 6,454,095). Applicants respectfully traverse this rejection.

Kuske et al. teach a flexible packaging bag for absorbent articles with a visual display feature having a periphery that frames a graphic on the absorbent articles desired to be seen. Kuske et al. does not, as the Office Action properly admits, teach or suggest placing two or more different types of absorbent articles in the packaging such that indication means on the two or more types of absorbent articles are visible through the window. Kuske et al. therefore do not recognize the problem consumers have in consuming different types of absorbent articles in a single package equally. Kuske et al. further do not recognize the problem consumers have in quickly and easily identifying the types of absorbent articles contained in a single package at the point of sale, when that single package contains different types of absorbent articles. The presently claimed invention solves these problems by providing a package containing two or more types of

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sanitary napkins each having an indication means that identifies the type of each sanitary napkin, the package having a window through which the different types of sanitary napkins and indication means can be seen. This allows a consumer to more quickly and easily determine the types of sanitary napkins in the package, as well as help the consumer ensure that the types of sanitary napkins are being used equally. *See, e.g., page 7, lines 24-27.*

Lash et al. teach a package containing absorbent articles (i.e. diapers) having different absorbent capacities in a single package. Lash et al., however, do not disclose a package having a window through which the product can be seen by a consumer. The Office Action cites Lash et al. for the purpose of asserting that it would have been obvious to modify Kuske et al. to contain at least two different types of absorbent articles.

Applicants respectfully disagree with this assertion and proposed combination. Neither Kuske et al. nor Lash et al. recognize the problems outlined above with respect to having different types of absorbent articles in a single package. Therefore, neither Kuske et al. nor Lash et al. suggest or motivate one to arrive at the presently claimed combination to address such problems.

Furthermore, Kuske et al. specifically teach a visual display feature that is intended to frame a graphic on the absorbent article. The visual display feature of Kuske et al. is typically oriented on the end panel of its flexible packaging bag. *See, e.g., FIG. 3.* Therefore, only the graphic from one absorbent article is visible through the visual display feature of the package of Kuske et al. If one were to place the absorbent articles of Lash et al. into the package of Kuske et al., only the graphics of one type of absorbent article of Lash et al. would be visible through the visual display feature of Kuske et al. Thus even if the teachings of Kuske et al. and Lash et al. were combined, the benefits of the presently claimed invention would likely not be realized. Additionally, Lash et al. do not even teach or suggest sanitary napkins.

Brisebois et al. teaches a package of sanitary napkins that are individually wrapped, wherein the sanitary napkins each have an element of information that is indicative of a certain degree or level on a scale of reference (asserted by the Office Action to be indication means). The Office Action asserts that it would have been obvious

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to modify Kuske et al. to provide a package containing individually wrapped sanitary napkins having indication means, as taught by Brisebois et al.,

Applicants respectfully disagree and point out neither Brisebois et al. or Kuske et al. teach or suggest placing different types of sanitary napkins in a single package. Even if one were to place different types of sanitary napkins in a single package of Kuske et al. with each sanitary napkin containing the element of information that is indicative of a certain degree or level on a scale of reference of Brisebois et al., only the element of information of one type of sanitary napkin of Brisebois et al. would be visible through the visual display feature of Kuske et al. Thus even if the teachings of Kuske et al. and Brisebois et al. were combined, the benefits of the presently claimed invention would likely not be realized. Applicants thus submit that the combination of Kuske et al. and Brisebois et al. is improper and that even if these references are improperly combined, the combination would not result in the presently claimed invention.

Applicants therefore submit that a *prima facie* case of obviousness has not been properly established. As a result, Applicants submit that Claims 1-3 and 5-7 are unobvious and patentable under 35 USC §103(a) over Kuske et al. in view of Lash et al. and further in view of Brisebois et al.

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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendments presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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By



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